Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

October Term, 1998

JAMES A. HINCHLIFFE
and
YONG SUN HINCHLIFFE
Petitioners,

v.

THE PRUDENTIAL HOME MORTGAGE COMPANY, INC.
Respondents.

Petition for a Writ of Certiorari to the
SUPREME COURT OF PENNSYLVANIA

PETITION FOR A WRIT OF CERTIORARI

JAMES A. HINCHLIFFE
and
YONG SUN HINCHLIFFE
Pro Se Petitioners
105 National Avenue
Lower Chichester, Pennsylvania 19061
(610) 497-9755

17pp

QUESTION(S) PRESENTED

1. Can the Appellate Courts below depart from the accepted and usual course of judicial proceedings, or sanction such a departure?

2. Can the Appellate Courts below loose jurisdiction over a matter as to call for an exercise of the United States Supreme Court's supervisory power?

3. Was Respondent's previous Motions to the Court not adjudicated and/or continued ongoing Bankruptcy Court proceedings?

4. Are the actions of the Respondent contemptible and fraudulent?

LIST OF PARTIES

In accordance with United States Supreme Court Rule 14.1(b), the names of all parties appear in the caption of the case on the cover page.

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dated September 16, 1998

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1998

PETITION FOR WRIT OF CERTIORARI

Petitioners respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The date on which the highest state court has decided this case was September 16, 1998. The reformated decision appears at (Appendix F) to the petition.

JURISDICTION

The jurisdiction of this Court to review the judgment of the Court of Appeals is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional right to use of the Appellate Court process.

STATEMENT OF THE CASE

Respondent's previous Motions to the Court were not adjudicated and/or were continued pending ongoing Bankruptcy Court proceedings.

Outstanding Court orders prevented action by the Respondent.

The actions of the Respondent are contemptible and fraudulent.

In the Court not seeking inquiry and/or investigation of the facts and issues in this matter, the Court has erred from the truth.

The Court has clearly overlooked and misaprehended some important facts in this matter.

In connection with the instant matter, the Respondent misconceives the provisions in which governs in and over this matter.

Without the records, to learn the history, or background, of the case, it is impossible to decide the issues.

These proceedings involves some questions of exceptional importance.

The Court had no jurisdiction to act with the records being in the Appellate Court.

The contentions of the Petitioners are misconceived by the Court.

The Respondent acted in contempt of Court order.

REASONS FOR GRANTING THE PETITION

Upon this Court's acceptance of this appeal, and investigation thereof, it will be clearly appropriate to have called for an exercise of the power of supervision of and by The Supreme Court of the United States.

The Appellate Court's below have erred in this Appellate process and has harmed the petitioners, in this matter.

The Appellate Court's below have caused error and conflict in the Appellate process, as to call for an exercise of the power of an immediate supervision of the Supreme Court of the United States.

By use of the United States Supreme Court's supervisory power, important questions will be answered that the Appellate Court's below failed to, or were unable to answer.

If possible for the Appellate Courts below to loose jurisdiction over a matter, perhaps and in fact the Supreme Court of the United States has or gains a full jurisdiction over such matter.

The Appellate Court's below, loss of control in this matter has become an adversity to the appellants and if a precedent is made, this matter becomes of a national importance.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James A. Hinchliffe
Yong Sun Hinchliffe

James A. Hinchliffe

Yong Sun Hinchliffe

APPENDIX

APPENDIX A

PRUDENTIAL HOME
MORTGAGE COMPANY, INC.
Plaintiff,

v.

James A. Hinchliffe and
Yong Sun Hinchliffe,
1098 Ridge Road
Lower Chichester, PA
Defendants

COURT OF COMMON PLEAS,
DELAWARE COUNTY

NO: 92-021184

ORDER

AND NOW THIS 30 day of December, 1996, after consideration of the within matter,

IT IS ORDERED that Joseph M. Fioravanti, Esquire is hereby appointed as Rent Receiver and he or his duly authorized agent will collect rents on the property located at 1098 Ridge Road, Lower Chichester, Pennsylvania.

/S/ Joseph F. Battle
J.

APPENDIX B

PRUDENTIAL HOME MORTGAGE COMPANY, INC.,
Appellee

v.

JAMES A. HINCHLIFFE AND YONG SUN HINCHLIFFE,
Appellants

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 863 Philadelphia 1997

Appeal from the Order Dated December 30, 1996, Docketed December 31, 1996, In the Court of Common Pleas of Delaware County, Civil, No. 92-021184

BEFORE: McEWEN, P.J., KELLY, and BECK, JJ.

J U D G M E N T

ON CONSIDERATION WHEREOF, it is now ordered and adjudged by this Court that the appeal from the ORDER of the Court of Common Pleas of DELAWARE County be, and is hereby DISMISSED.

BY THE COURT:

PROTHONOTARY

Dated MARCH 5, 1998

APPENDIX C

PRUDENTIAL HOME MORTGAGE COMPANY, INC.,

Appellee

v.

JAMES A. HINCHLIFFE AND YONG SUN HINCHLIFFE,

Appellants

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 863 Philadelphia 1997

Appeal from the Order Dated December 30, 1996, Docketed December 31, 1996, in the Court of Common Pleas of Delaware County, Civil, No. 92-021184

BEFORE: McEWEN, P.J., KELLY, and BECK, JJ.

MEMORANDUM:

Appellants, James and Yong Sun Hinchliffe, have taken this pro se appeal from the order, entered by the Court of Common Pleas of Delaware County, which appointed Joseph M. Fioravanti, Esq. as rent receiver for the property located at 1098 Ridge Road, Lower Chichester, Pennsylvania. We are constrained to dismiss this appeal.

Appellee was the successful bidder for the property known as 1098 Ridge Road at a sheriff's sale held on November 17, 1995.

APPENDIX D

The sale was confirmed by order dated February 29, 1996. Appellants, however, despite the valid sale, continued to collect rents from the tenants of the property and appellee petitioned the court for the appointment of a rent receiver. The petition was granted by order dated December 30, 1996, which appointed Joseph M. Fioravanti, Esquire, rent receiver for the property. Appellants filed the instant appeal from that order.

Appellants, at the time the rent receiver was appointed, had no ownership interest in the property located at 1098 Ridge Road. Appellants were, therefore, without standing to institute this appeal. Accordingly, we are obliged to dismiss this appeal.

Appeal dismissed.

APPENDIX E

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

PRUDENTIAL HOME MORTGAGE COMPANY, INC.,
Respondent

v.

JAMES A. HINCHLIFFE AND YONG SUN HINCHLIFFE,
Petitioners

No. 241 M.D. Allocatur Docket 1998

Petitions for Allowance of Appeal from the Superior Court

ORDER

PER CURIAM:

AND NOW, this 23rd day of July, 1998 the petition for allowance of appeal is denied.

TRUE & CORRECT COPY

ATTEST: JUL 24 1998

/S/
JOAN L. STEHULAK, ESQUIRE
DEPUTY PROTHONOTARY

APPENDIX F

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

PRUDENTIAL HOME MORTGAGE COMPANY, INC.,
Respondent

v.

JAMES A. HINCHLIFFE AND YONG SUN HINCHCLIFFE,
Petitioners

No. 241 M.D. Allocatur Docket 1998

Petition for Reconsideration and Clarification

ORDER

PER CURIAM:

AND NOW, this 16th day of September, 1998, the petition for reconsideration and clarification is denied.

TRUE & CORRECT COPY

ATTEST: SEP 16 1998

/S/
SHIRLEY BAILEY
CHIEF CLERK